#### NOTICE OF

# TOWN COUNCIL WORKSESSION, PUBLIC HEARING & REGULAR MEETING TOWN OF PROVIDENCE VILLAGE, TEXAS PROVIDENCE VILLAGE TOWN HALL 1745 F.M. 2931, PROVIDENCE VILLAGE, TEXAS

# **TUESDAY, DECEMBER 15, 2015**

7:30 P.M. Regular Session

## **MINUTES**

## REGULAR SESSION 7:30 p.m.

# I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

Mayor Dave Shuck called the meeting to order at 7:37 p.m. Town Council members present were Alderman J. Eric Newton, Alderman Andy Goin, Mayor Pro-Tem Michael Jordan, and Alderman Darren Vader, being a quorum. Alderman Steve Miller was absent.

## II. PLEDGE OF ALLEGIANCE

- a. United States Flag
- b. Texas Flag:
  - i. Honor the Texas Flag I pledge allegiance to thee Texas, one State under God, one and indivisible

## III. INVOCATION

Philip Mack Furlow led invocation.

### IV. OPEN FORUM:

There were no further requests to address the Town Council. Alderman Newton motioned to closed Open Forum; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

# V. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

a. Monthly Reports from Committees: Communications, EDCEC, JPAC, Ordinance and Public Safety

Ordinance Committee – Mayor Pro-Tem Jordan stated that the ordinance committee met and review the proposed changes to be discussed later on the agenda.

b. Staff Reports: Code Enforcement, Building Permits, Municipal Court, Law Enforcement, Administration

Mike Carroll summarized his written report. Mayor Shuck asked how many cases were still pending relating to the tree trimming project. There are 9 outstanding cases out of 502 cases.

Andrew Dunn gave a summary of his written report and answered questions from the council regarding specific permits.

Jenny Sawyers gave a brief summary of the Municipal Court report.

Brice Hicks gave a summary of the written report provided. Deputy Hicks reported on packages on porches issue and an incident near Monaco Elementary regarding drug arrests.

Brian Roberson reported that we have been in touch with TXDot, TCEQ and other agencies regarding issues on 2931.

Cell phone prohibit signs delivered and will be installed in the near the future.

Brian Roberson reported that we are a Storm Ready Community, thanks to the work of Mr. Kreb's. Mr. Kreb answered Alderman Goin's question about what exactly a storm ready community involved.

Brian Roberson introduced Clay Taylor with Severn Trent. Mr. Taylor addressed meter reading issues and billing. The next billing will have usage charges. Mr. Taylor stated that if the report is too much, let him know and they will modify it to accommodate the Council's needs.

Mayor Pro-Tem Jordan motioned to closed Committee/Staff Reports; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

- VI. CONSENT AGENDA Items are considered self-explanatory and will be enacted with one motion. There will be no separate discussion of these items unless so requested by at least one member of the Town Council.
  - a. Minute Approval
  - b. Treasury Report
  - c. Pay Bills
  - d. Approve Purchase Orders
  - e. Approve Administrative Actions

Mayor Pro-Tem Jordan motioned to approve Consent Agent as revised removing the Minutes; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

#### VII. ACTION ITEMS

a. Consider, discuss and approve Ordinance authorizing the issuance of the \$3,515,000 Town of Providence Village, Texas General Obligation Bonds, Series 2016 (the "Series 2016 Utility Bonds"), approving a Bond Placement Agreement, providing an effective date and approving all matters related to the Series 2016 Utility Bonds.

Philip Mack Furlow stated that bond council desired to have additional time to present the bond package to investors to keep the interest rate lower.

No action taken.

b. Consider, discuss and act upon approval of Ordinance No. 2014-060-02 amending Ordinance No. 2014-060-01 entitled "Zoning Ordinance" to revise and update said ordinance to include necessary language and requirements imposed by the Town's Home Rule Charter, including the creation of the Planning & Zoning Commission and to clarify grammatical language to ensure consistency in the requirements.

Alderman Jordan motioned to close Town Council Regular Session and convene into Public Hearing; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Town Council Regular Session and convened into Public Hearing at 8:09 p.m.

c. Conduct Public Hearing to receive input on Ordinance No. 2014-060-02 amending Ordinance No. 2014-060-01 entitled "Zoning Ordinance" to revise and update said ordinance to include necessary language and requirements imposed by the Town's Home Rule Charter, including the creation of the Planning & Zoning Commission and to clarify grammatical language to ensure consistency in the requirements.

Philip Mack Furlow gave a quick summary of the administrative changes being proposed due to the Home Rule Charter. Mayor Shuck opened to floor to anyone wishing to speak for or against the ordinance.

Joyce Vann questioned the fencing guidelines and the HOA. There were questions relating to which would trump. Mayor Shuck explained that the Town's ordinance only trumps if it is more stringent. Ms. Peters questions what prompted the changes to the zoning ordinance, and Philip Mack Furlow explained that the Home Rule Charter controlled the need for changes. There being no further requests to address the Town Council, Alderman Goin motioned to closed Public Hearing and reconvene into Town Council Regular Session; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Public Hearing and reconvened into Town Council Regular Session at 8:15 p.m.

Alderman Goin motioned to approve Ordinance No. 2014-060-02 amending Ordinance No. 2014-060-01 entitled "Zoning Ordinance": Mayor Pro-Tem Jordan seconded. Motion carried: 5 in favor, 0 opposed.

d. Consider, discuss and act upon approval of Ordinance No. 2014-061-02 amending Ordinance No. 2014-061-01 entitled "Subdivision Ordinance" to revise the Ordinance to remove the requirement for mylar copies of plats and/or plans.

Brian Roberson gave a summary of the needed changes to the Subdivision Ordinance. Several Aldermen asked questions regarding various changes relating to site triangles. Alderman Jordan motioned to close Town Council Regular Session and convene into Public Hearing; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Town Council Regular Session and convened into Public Hearing at 8:22 p.m.

e. Conduct Public Hearing to receive input on Ordinance No. 2014-061-02 amending Ordinance No. 2014-061-01 entitled "Subdivision Ordinance" to revise and update said ordinance to remove the requirement for mylar copies of plats and/or plans.

Philip Mack Furlow gave a quick summary of the changes to the Subdivision Ordinance. Mayor Shuck opened to floor to anyone wishing to speak for or against the ordinance.

There being no requests to address the Town Council, Alderman Newton motioned to closed Public Hearing and reconvene into Town Council Regular Session; Mayor Pro-Tem Jordan seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Public Hearing and reconvened into Town Council Regular Session at 8:23 p.m.

Alderman Newton motioned to approve Ordinance No. 2014-061-02 amending Ordinance No. 2014-061-01 entitled "Subdivision Ordinance": Alderman Vader seconded. Motion carried: 5 in favor, 0 opposed.

f. Consider, discuss and act upon approval of Ordinance No. 2014-059-02 amending Ordinance No. 2014-059-01 entitled "Comprehensive Master Plan" to clarify the measurements of specific tracts of land with more than one zoning district designation. (Brian Roberson)

Brian Roberson gave a summary of the need for clarification for properties with multiple zoning districts. Mr. Roberson explained how measurements were taken to provide specific measurements for zoning designations. Mayor Pro-Tem Jordan motioned to close Town Council Regular Session and convene into Public Hearing; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Town Council Regular Session and convened into Public Hearing at 8:28 p.m.

g. Conduct Public Hearing to receive input on Ordinance No. 2014-059-02 amending Ordinance No. 2014-059-01 entitled "Comprehensive Master Plan" to clarify the measurements of specific tracts of land with more than one zoning district designation.

Philip Mack Furlow clarified that this amendment is not a change, but simply a clarification of existing zoning. Mayor Shuck opened to floor to anyone wishing to speak for or against the ordinance.

Randall Bush asked for clarification regarding overlaps. Philip Mack Furlow explained that there is no overlap. Ms. Peters asked if the zoning map would show the water and sewer locations. Mayor Shuck and Philip Mack Furlow responded that the water and sewer would never be on a zoning map. There were no further requests to address the Town Council, Alderman Goin motioned to closed Public Hearing and reconvene into Town Council Regular Session; Mayor Pro-Tem Jordan seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Public Hearing and reconvened into Town Council Regular Session at 8:33 p.m.

Alderman Goin motioned to approve Ordinance No. 2014-059-02 amending Ordinance No. 2014-059-01 entitled "Comprehensive Master Plan": Mayor Pro-Tem Jordan seconded. There was discussion regarding the original official zoning map and the current map which will include annexed property. Motion carried: 5 in favor, 0 opposed.

h. Consider, discuss and act upon constructing a facility to increase water storage capacity and/or additional water storage.

Nothing to report.

i. Consider, discuss and act upon legal and administrative status of lawsuits involving asset transfers.

Nothing to report in open session.

j. Consider, discuss and act on Section 13.255 action against Mustang Special Utility District.

Philip Mack Furlow stated there was nothing to report.

k. Identify agenda items to be discussed at future meeting.

Engine brake ordinance.

Alderman Newton motioned to closed Town Council Regular Session and convene into Executive Session; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed. Mayor Shuck closed Town Council Regular Session and convened into Executive Session at 8:38 p.m.

#### VIII. EXECUTIVE SESSION

The Town Council will convene into executive session pursuant to Texas Government Code Sections 551.074, Personnel Matters, and 551.071, Consultation with Attorney, to seek the advice of the Town Attorney or other legal counsel concerning pending or contemplated litigation or on a matter in which the duty of the attorney(s) to the Town under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.

- a. Consider and discuss legal and administrative status of lawsuits involving asset transfers.
- b. Section 13.255 action against Mustang Special Utility District.
- c. Consider and discuss securing and protecting the Town's right and ability to provide water and sewer service to its residents.

Alderman Goin motioned to close Executive Session and reconvene into Town Council Regular Session; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed. Mayor Shuck closed Executive Session and reconvened into Town Council Regular Session at 9:40 p.m.

#### IX. RECONVENE INTO OPEN SESSION

a. Consider and act upon items discussed in Executive Session.

# X. ADJOURNMENT

Mayor Pro-Tem Jordan motioned to adjourn; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

Meeting was adjourned at 9:41 p.m.

David B. Sbuck, Mayor

Date Minutes Approved

Date Minutes Approved

Connie S. Hansen, TRMC

Town Secretary

